

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1834 OF 2004
IN
SUMMONS FOR JUDGMENT NO.1292 OF 1999
IN
SUMMARY SUIT NO.5490 OF 1999

Maruti Dhulaji Thakur Plaintiff

versus

Gautam Builders Defendants

and

Kuber Commercial Enterprises
Pvt.Ltd. Applicant

Mr.C.M.Kothari for defendants.

Mr.Brijesh Upadhaya for plaintiffs.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 13th June 2006

PC :

1. This is a Chamber Summons under Order XXI, Rule 54 of the Code of Civil Procedure. The applicants pray that the attachment levied on the immovable property more particularly described in prayer clause (a) of the Chamber Summons be raised.

2. The plaintiff-decree holder through his learned advocate admits that this property does not belong to the judgement debtor and that the same has been attached erroneously in execution of the decree passed in his favour. He, therefore, instructs his advocate to make a statement to this Court that the said property be released from its attachment. He makes a statement that the judgement debtor has some other properties and that the plaintiff-decree holder would proceed against them in accordance with law.

3. In the light of this statement of the plaintiff-decree holder, the Chamber summons is made absolute in terms of prayer clause (a). No order as to costs.

(S.C.DHARMADHIKARI, J.)